

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-00542-FDW-DSC

ANDRE ANTONIO DAVIS, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
vs.                    )  
                          )  
                          )  
                          )  
DONALD J. TRUMP, et al., )  
                          )  
                          )  
Defendants.            )  
                          )  
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ORDER

**THIS MATTER** is before the Court on initial review of Plaintiff's pro se Complaint [Doc. 1] and on Plaintiff's Motion to Proceed in Forma Pauperis [Doc. 2].

Pro se Plaintiff Andre Antonio Davis ("Plaintiff") filed a complaint on September 30, 2020, which he purports to bring pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). [Doc. 1]. Plaintiff names 60 individual Defendants, including President Donald J. Trump, Jared Kushner, Ivanka Trump, and William Barr, the United States Attorney General. [Id.]. The Court first addresses Plaintiff's motion to proceed in forma pauperis. Plaintiff's affidavit shows that he has had an average monthly income of \$1,849.00 for the past twelve months from disability payments. Plaintiff, however, reports that he expects to receive \$0.00 in income next month, which seems unlikely given the source of Plaintiff's recent past income. [Doc. 2 at 1-2]. As such, it appears Plaintiff erred in completing his IFP application and the Court is without sufficient information to rule on Plaintiff's Application.

The Court will, therefore, deny Plaintiff's motion without prejudice and order Plaintiff to either submit an Amended Application or to pay the \$400.00 filing fee. Should the Plaintiff choose

to file an Amended Application, he should use and complete in full the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (AO 239), which is available through the Court's website, <http://www.ncwd.uscourts.gov>.

**IT IS, THEREFORE, ORDERED** that Plaintiff shall, within thirty (30) days of this Order, either pay the \$400.00 fee to file his Complaint or file an Amended Application, using AO Form 239. **Failure to pay the fee or to file an Amended Application within the time required will result in the dismissal of this action without prejudice.**

Signed: October 23, 2020



Frank D. Whitney  
United States District Judge

